IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELVETH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 8128 of 2005

Between:

R. Susiraj, E.C.No. 205708, S/o. Mariyan
R/o. Quarter No. 4, Hill Top Village, Bellampalli, Adilabad District.

..... PETITIONER

AND

1 The Singareni Collieries Co. Rep. by its General Manager,
Bellampalli (P) Area, Adilabad District.
2 Dy. General Manager (Projects) The Singareni Collieries Co.

Ltd., Kothagudem Collieries, Khammam District.
3 Project Manager, The Singareni Collieries Co. Ltd.,
Coal Chemicals Complex, Naspur, Adilabad District.
4 The Project Officer, The Singareni Collieries Co. Ltd.,
Bhoophalpalli Area, Adilabad District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order direction or writ particularly one in the nature of Writ Mandamus or any other appropriate writ declaring the proceedings No. CRP/PER/PM/3932/M2/581 dt.1-4-2003 transferring the petitioner from Area Stores, Bhoophalpalli Mine to work underground is illegal and arbitrary; and consequently set aside the same with further direction to post the petitioner to work at surface job in any unit of the Company.

Counsel for the Petitioner:MR.G.VIDYASAGAR

Counsel for the Respondent Nos.1 to 4: MR.N.KRISHNA RAO

The Court at the admission stage made the following :

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ORDER:

For declaring the action of the respondents in transferring the petitioner from Area Stores, Bhoophalpalli Mine to work in underground vide proceedings dt. 1-4-2003 as illegal and arbitrary, and consequently, for setting aside the same with a direction to work at surface in any unit of the Company, the present writ petition is filed.

There cannot be any dispute that the transfer is not only incidence of service but also one of the service conditions. Unless the transfer order is vitiated by malafides or when it is made contrary to the Rules or by way of punishment, this Court does not interfere with the transfer orders. The petitioner is one among the 23 candidates, who were transferred and posed to a particular area. So, it is not a case of victimization and it is not a case that such transfer is contrary to the Rules governing the service conditions and no malafides are attributed to the transferring authority. So also, it is not a case where the transfer order was made by way of punishment. Therefore, I feel it appropriate to dispose of the writ petition directing the respondents to consider the representation of the petitioner dated 03-08-2004, in accordance with the Rules.

Accordingly, the Writ Petition is disposed of. No costs.

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12-04-2005

To

1. The General Manager, Singareni Collieries Company Ltd.,
   Bellampalli (P) Area, Adilabad District.
2 The Deputy. General Manager (Projects), Singareni Collieries

Co. Ltd., Kothagudem Collieries, Khammam District.
3 The Project Manager, Singareni Collieries Co. Ltd.,
   Coal Chemicals Complex, Naspur, Adilabad District.
4 The Project Officer, Singareni Collieries Co. Ltd.,
   Bhoophalpalli Area, Adilabad District.

5. Two C.D. copies.

sj